

Message Text

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61

ORIGIN EB-11

INFO OCT-01 EA-11 ISO-00 SS-20 L-03 INR-11 PRS-01 SSO-00

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DRAFTED BY EB/TT:JSMEADOWS/L/EB:PRTRIMBLE:VLV

APPROVED BY D:RSINGERSOLL

EA/PHL - MR. HULEN

EB/AN - MR.COBB

S/S - SRGAMMON

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FM SECSTATE WASHDC

TO AMEMBASSY MANILA NIACT IMMEDIATE

LIMITED OFFICIAL USE STATE 172542

STADIS//////////

E.O. 11652: N/A

TAGS: EAIR, RP

SUBJECT: CIVAIR - BILATERAL NEGOTIATIONS

REF: MANILA 9412

FOR AMBASSADOR FROM DEPUTY SECRETARY INGERSOLL

1. SEPTEL AUTHORIZES EMBASSY TO SIGN NOTE EXCHANGE ON BASIS ORAL ASSURANCES PROVIDED PARA 6 REFTEL. THOSE ORAL ASSURANCES ARE POLITICALLY REASSURING, BUT NOT WITHOUT CERTAIN LEGAL COMPLICATIONS OF WHICH EMBASSY SHOULD BE AWARE. WHILE WE WOULD NOT EXPECT CONFLICT TO ARISE THAT WOULD NECESSITATE LEGAL ACTION, WE ARE NONETHELESS OBLIGED TO TAKE SUCH CONTINGENCY INTO ACCOUNT. THEREFORE MUST ENDEAVOR TO PRESERVE OPTION OF PART 213 ACTION IF FLYING TIGER CURRENT CARGO OPERATIONS SHOULD BE CURTAILED BY GOP BEFORE FURTHER AGREEMENT REACHED. FOR PART 213 ACTION THERE MUST BE BREACH OF AGREEMENT WHICH DEPENDS ON BROAD CONSTRUCTION OF "SYMPATHETIC CONSIDERATION" LANGUAGE FOR WHICH ORAL ASSURANCES ESSENTIAL. WE INTEND, ON THE BASIS LIMITED OFFICIAL USE LIMITED OFFICIAL USE

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OF THESE ASSURANCES, TO INFORM THE CAB THAT THE DEPT WOULD NOT OBJECT ON LEGAL GROUNDS SHOULD THE CAB LATER FIND IT NECESSARY TO TAKE PART 213 ACTION, ALTHOUGH WE ARE NOT THEREBY EXPRESSING ANY VIEW ON WHETHER SUCH ACTION, IF

CHALLENGED, WOULD BE SUSTAINED AS A MATTER OF LAW. WE
ASSUME THAT ALL CONCERNED PARTIES UNDERSTAND THAT, IN THE
EVENT OF LEGAL CHALLENGE, IT MAY BE NECESSARY TO MAKE PUBLIC
THE ORAL ASSURANCES REFERRED TO ABOVE AS PART OF THE RECORD
RELATING TO ANY CAB ACTION.

2. RE QUESTION OF INTERVENTION WITH CAB CONCERNING FINE OF
PAL, THIS MATTER HAS ALREADY BEEN DISCUSSED WITH THE BOARD
AND WILL BE FOLLOWED UP AS NECESSARY.

KISSINGER

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Message Attributes

Automatic Decaptioning: Z
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